

## REMARKS

The present invention is a system and method for a sponsored games network. The invention provides advertising to a game player based upon the game player's demographic, geographic, preference or customized user database and allows a network operation, including mobile networks to provide advertising in the data stream of games at selected intervals. See the OBJECTS OF THE INVENTION at the bottom of page 2 of the specification.

As illustrated in Fig. 3, game supporting architecture provides a user at a game client terminal 4 through a communication network 6 connectivity to a game sponsoring gateway 2 which supplies games over the communication network to the game client terminal. A sponsored content server 12 is in communication with the game sponsoring gateway 10 which provides advertisements to be included in a data stream from game server 8 to the game client terminal 4. The game sponsoring gateway 2 communicates with the user data server 14 to access information on the user's preferences and profile. The profile information can include how much advertisement the user accepts, subject matter of interest to the user, purchase history, demographic profile, income level, credit history, on-line purchase history, website access history and other markers of purchasing conduct. See the first full paragraph on page 15 of the disclosure. The game sponsoring gateway 2 identifies the user of the game client terminal 4 by authentication mechanisms or with password access. The game sponsoring server 2 is supplied with advertising from game sponsors by accessing the sponsor content server. The advertising may be geographically dependent. The game sponsoring

gateway 2 uses criteria supplied by the user data server 14 and location sever 10 as to what advertising to present to the game user on game client terminal 4. The game sponsoring gateway receives the game data from the game server and scans the data for advertisement placeholders. The game sponsoring gateway inserts selected advertisements into placeholders according to the user's profile preferences and current geographic location as appropriate. See page 16 of the specification.

Claim 22 stands objected to as being informal and claims 12-22 stand rejected under 35 U.S.C. § 112 second paragraph as failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The rejection with respect to the claims 12, 15 and 25 regarding the “games sponsoring gateway controls” as allegedly lacking antecedent basis is traversed. Claims 12 and 15 in line three recite “a game sponsoring gateway” and claim 25 in line 2 recites “a game sponsoring gateway” which is antecedent basis in lines 13, 12 and 6 respectively in claims 12, 15, and 25 for “the game sponsoring gateway”. Apparently the Examiner has not considered that the word “controls”, which follows “the games sponsoring gateway” recited in lines 13, 12 and 6 respectively of claims 12, 15 and 25, is a verb which defines the function of the gateway sponsoring gateway recited thereafter. In other words the Examiner has erroneously looked for an antecedent with respect to the verb “controls” which must be construed as a functional statement and therefore is not properly considered to be part of “the games sponsoring gateway” recited immediately there before for purposes of providing antecedent basis. Claims 12-28 have been redrafted to overcome a stated grounds of rejection other than the aforementioned reference to antecedent basis.

Claims 12, 14, 15 17, 20-25, 28, 29 and 31 appear to substantively rejected for the same grounds as recited in the first Office Action which the applicant commented upon in detail in response to the first Office Action in the first full paragraph on page 22. Claims 12, 14, 15, 17, 20-25, 28, 29 and 31 are not anticipated for the reasons set forth in the first paragraph of page 22 of the previous amendment. Specifically, a gateway described on column 5, lines 12-17 of James et al. does not disclose any “control” function of the gateway other than its function as a portal. The disclosed function of the gateway as providing access does not anticipate or render obvious the functions recited in the independent claims including claims 12, 15, 25 and 31.

The game methodology described in James et al. provides that the advertiser transfers an amount of game currency to the player who uses the currency to play the game. However, this functionality does not suggest the claimed function of the games sponsoring gateway recited in the aforementioned independent claims and furthermore, does not suggest the other elements of the independent claims and their functions in combination with the games sponsoring gateway. It appears that the Examiner has improperly given no weight to the “control” function in interpreting the scope of the claims which distinguishes the functionality of the gateway in James et al from that of the claimed invention.

Claims 12-31 stand rejected under 35 U.S.C. § 103 as being unpatentable over James et al. in view of United States Patent 5,948,061 (Merriman et al.) or United States Patent 5,947,398 (Hanson et al.). This rejection is traversed for the following reasons. Citation of Merriman et al. and Hanson et al. does not cure the deficiencies noted above with regard to James et al. with respect to the function of the claimed game sponsoring gateway in

association with the other elements. The Examiner has again cited Merriman et al. or Hanson et al. for the use of profiling data. However, nothing in Merriman et al. or Hanson et al. pertaining to profiling data would motivate a person of ordinary skill in the art to modify the architecture of James et al. to include the games sponsoring gateway as recited in the independent system and method claims and furthermore the interaction thereof with the other elements of the claims.

The dependent claims define further more specific aspects of the present invention of which are also not anticipated or render obvious by James et al. alone or in combination with Merriman et al. or Hanson et al.

In view of the foregoing amendments and remarks, it is submitted that each of the claims in application is in condition for allowance. Accordingly, early allowance thereof is respectfully requested.

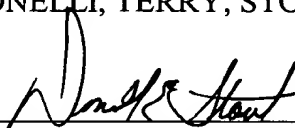
Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached pages is captioned **“Version with markings to show changes made.”**

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper,

including extension of time fees, or credit any overpayment of fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (017.37498X00).

Respectfully submitted,

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Attachment

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

13. A system in accordance with claim 12 further comprising:

a location server communicating with the ~~said~~ game sponsoring gateway which provides information indicating a location of the user terminal to the game sponsoring gateway which uses the location of the user ~~mobile~~ terminal in controlling providing of advertisements to the user ~~mobile~~ terminal.

14. A system in accordance with claim 12 further comprising:

a user data server in communication with the ~~said~~ game sponsoring gateway which provides user information on the user of the user ~~mobile~~ terminal to the game sponsoring gateway which uses the user information to control content of the advertisements provided to the user.

21. A system in accordance with claim 15 further comprising:

means at the user terminal for displaying the advertising including ~~with the~~ breaks ~~points~~ indicating when in playing the game the advertising is to be presented is ~~with~~ the breaks being identified by tags.

22. A system in accordance with ~~with~~ claim 15 further comprising:

means at the terminal for dynamically stopping the game to display the advertising.

23. A system in accordance with claim 15 further comprising:

means at the terminal for displaying the advertising with breaks ~~points~~ for the advertisements in the game between missions in the game.

29. A method in accordance with claim 25 29, comprising:

using the game sponsoring gateway to select the advertising supplied to the user in games supplied over the network based upon a criteria from a historical database containing information about the user.